



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board



**Division of Water Rights**  
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**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

## NOTICE OF PUBLIC HEARING

### AMENDMENT TO LONG-TERM TRANSFER PETITION AND PRE-HEARING CONFERENCE

A Public Hearing will be held on  
the Amended Joint Petition of the Imperial Irrigation District and the  
San Diego County Water Authority for Approval of a Long-Term Transfer of  
Conserved Water Pursuant to an Agreement between IID and SDCWA, and Approval of  
Changes in Point of Diversion, Place of Use, and Purpose of Use  
under Permit No. 7643 (Application 7482).

On December 11, 2001, IID filed an Amendment to Its Petition, Requesting Approval of a  
Long-Term Transfer of Conserved Water to Coachella Valley Water District and  
Metropolitan Water District.

A Pre-hearing Status Conference will commence  
on January 23, 2002 at— 9:00 a.m.

at  
Joe Serna Jr./Cal EPA Building  
Sierra Room – Second Floor  
1001 I Street, Sacramento

The Hearing will commence on April 23, 2002 at 10:00 a.m.\*  
and continue if necessary on April 24 at 9:00 a.m.,  
April 29 at 10:00 a.m., April 30 at 9:00 a.m., and May 1 at 9:00 a.m.

at  
Joe Serna Jr./Cal EPA Building  
Sierra Room – Second Floor  
1001 I Street, Sacramento

\* Non-evidentiary policy statements will be heard beginning at 10:00 a.m., on April 23, 2002.

### SUBJECT OF THE HEARING

This hearing is being held to receive evidence that will assist the State Water Resources Control Board (SWRCB) in determining whether to approve the joint petition of the Imperial Irrigation District (IID) and the San Diego County Water Authority (SDCWA) for approval of a long-term transfer of conserved water from IID to SDCWA pursuant to an agreement between IID and SDCWA. The petitioners also seek approval of a long-term transfer of

conserved water from IID to Coachella Valley Water District (CVWD) and Metropolitan Water District of Southern California (MWD).

### **DESCRIPTION OF AMENDED PETITION**

The petition seeks approval of changes in the authorized point of diversion, place of use, and purpose of use of water diverted from the Colorado River under Permit Number 7643 (Application Number 7482). If the petition is approved, Lake Havasu would be added as an authorized point of diversion, SDCWA's service area would be added to the authorized place of use, and municipal use would be added as an authorized purpose of use.

Originally, the petition sought approval of a transfer of up to 300,000 acre-feet per annum (afa) to SDCWA. On December 11, 2001, IID and SDCWA filed an amendment to the petition, which reduces the amount of water proposed to be transferred to SDCWA by 100,000 afa, and instead seeks approval of a long-term transfer of 100,000 afa to CVWD and MWD. If the petition is approved, the authorized place of use would be expanded to include the service areas of CVWD, Improvement District Number 1, and MWD. If the water is transferred to CVWD, the authorized point of diversion, Imperial Dam, would remain the same and the purpose of use would not change. If the water is transferred to MWD, the point of diversion would be at Lake Havasu (MWD's point of diversion), and the purpose of use would be changed to primarily municipal use. A map depicting the proposed new point of diversion and places of use is attached. The transfer is for a term of 45 years with an optional 30-year renewal period, for a total of 75 years.

The petition also requests that the SWRCB make certain findings regarding IID's water rights and proposed water conservation program that are not required in order to approve the proposed long-term transfer.

This notice waives any requirement that persons objecting to the amended petition for change file a protest in order to participate as a party in this proceeding regarding the petition for change. Parties who did not protest the petition, but who object to the amended petition, will be allowed to participate in the hearing provided they comply with instructions described below under "HEARING PARTICIPATION." Any person wishing to address the question of whether the amended petition should be approved, including existing protestants, must participate in this hearing in accordance with this notice. Participation may involve, as the participant deems appropriate, the presentation of a policy statement by a non-party or the presentation of legal arguments and/or evidence by a party.

### **PRE-HEARING CONFERENCE**

The hearing officer will conduct a pre-hearing status conference to discuss the scope of the hearing, the status of protests to the petition, and any other appropriate procedural issues on Wednesday, January 23, 2002 at 9:00 am. The goal of the pre-hearing conference is to ensure that the hearing proceeds in an orderly and expeditious manner. The Board will not discuss the merits of the specific issues raised in the amended joint petition. Following the pre-hearing conference, the SWRCB may in its discretion modify this notice in whole or in part. All parties to the hearing are encouraged to attend the pre-hearing conference.

## **BACKGROUND**

The "Law of the River," a complex body of statutes, decrees, and court decisions, allocates the waters of the Colorado River among the seven Colorado River basin states. California's basic allocation from the Colorado River is 4,400,000 acre-feet per year. California's Colorado River water users have developed a priority system for apportioning California's allocation of Colorado River water. This priority system, referred to as the "Seven Party Agreement," has subsequently been incorporated into water right permits issued by the SWRCB to some of the parties, including IID's Permit No. 7643. Under this priority system, California's baseline apportionment of 4,400,000 acre feet of Colorado River water annually supplies only the first four priorities. When the Secretary of the Department of the Interior declares there is surplus water available, diversions in excess of 4,400,000 acre feet are allocated to the remaining priorities in accordance with the priority system and other agreements.

Under the terms of the Seven Party Agreement, California's baseline apportionment of 4,400,000 acre feet per year is divided between four California agricultural water districts (Palo Verde Irrigation District, Yuma Project, IID, and CVWD) and one municipal water supplier, MWD. 3,850,000 afa of California's baseline apportionment is allocated to the four agricultural water districts, and the remaining 550,000 afa is allocated to MWD. The Seven Party Agreement contains the following apportionments and priorities:

Priority	Description	Acre-feet per year
1	Palo Verde Irrigation District gross area of 104,500 acres	3,850,000
2	Yuma Project not exceeding a gross area of 25,000 acres	
3(a)	IID and lands in Imperial and Coachella Valleys to be served by the All-American Canal	
3(b)	Palo Verde Irrigation District 16,000 acres of mesa lands	
4	MWD and/or the City of Los Angeles and/or others on the coastal plain	550,000
5(a)	MWD and/or the City of Los Angeles and/or others on the coastal plain	550,000
5(b)	City and/or County of San Diego	112,000
6(a)	IID and lands in Imperial and Coachella Valleys	300,000
6(b)	Palo Verde Irrigation District 16,000 of mesa lands	
7	Agricultural Use	All remaining water

The Seven Party Agreement does not specify the relative proportion of the 3,850,000 acre foot baseline allocation to which each of the four agricultural water districts is entitled. California's Colorado River water users have been working to reach agreement on the quantification of the agricultural entitlements. Negotiations are ongoing.

Currently, California diverts approximately 5,200,000 acre feet per year, approximately 800,000 acre feet per year more than the basic apportionment. In response to concerns of the other Colorado River basin states and the Federal government, California's Colorado River water users, working through the Colorado River Board of California, have been developing a plan to reduce California's diversions to the baseline allocation. The transfer of conserved water from IID to the Authority is an important part of that plan.

The IID, the Authority, CVWD and MWD have indicated their intent to enter into an agreement, referred to as the "Quantification Settlement Agreement," (Agreement) which among other things settles disputes among the parties as to the priority, use and transfer of Colorado River water and establishes terms for the transfer of water for up to 75 years.

The draft agreement can be found at:

[http://www.cvwd.org/Public\\_Docs/Quantification\\_Settlement\\_Agreement.pdf](http://www.cvwd.org/Public_Docs/Quantification_Settlement_Agreement.pdf).

The SWRCB provided notice of the petition on October 15, 1998. The petition was protested and protests by CVWD, MWD, Coastal Municipal Water District, Central Basin Municipal Water District and West Basin Municipal Water District, Municipal Water District of Orange County, the City of Los Angeles, the Colorado River Indian Tribes, County of Imperial, Riverside County Farm Bureau, William DuBois, and Larry Gilbert remain unresolved.

### **COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY CONTROL ACT (CEQA)**

IID is the lead agency for this project under the CEQA. The SWRCB has been informed that IID and the U.S. Bureau of Reclamation (USBR), as lead agency under the National Environmental Policy Act, will issue a joint draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on January 11, 2002 to address the environmental effects of the proposed transfer. If IID and the USBR issue the draft EIS/EIR substantially later than January 11, 2002, the SWRCB will postpone the hearing pending the release of the draft EIS/EIR. Should that occur, all parties who have filed a notice of intent to appear at this hearing will be notified of any changed requirements regarding participation in this hearing, including any revised submittal dates. The SWRCB will hold the hearing record open for the submittal of the final EIS/EIR for this project and will provide parties with an opportunity to object to the final EIS/EIR being accepted into the record. If necessary, the SWRCB will set future additional hearing dates to allow for testimony and cross-examination by parties regarding the final EIS/EIR.

### **RELEVANT STATUTORY PROVISIONS**

Pursuant to Water Code section 1011, subdivision (b), water, or the right to the use of water, the use of which has ceased or been reduced due to conservation, may be transferred pursuant to any provision of law relating to transfers. Long-term transfers may be made pursuant to Water Code sections 1735 et seq.

### **PREVIOUS SWRCB DECISIONS REGARDING IID'S WATER USE**

Previously, the SWRCB held a hearing on the alleged waste and unreasonable use of water by IID. The SWRCB adopted Decision 1600 on June 21, 1984 directing IID to take certain actions to increase water conservation and avoid misuse of water in violation of article X, section 2 of the California Constitution. Subsequently, the SWRCB held hearings in 1997 and 1998 regarding various aspects of IID's conservation efforts. The hearings resulted in the SWRCB's adoption of Order WR 88-20. This order directed IID to submit a plan for implementing conservation measures to conserve at least 100,000 afa, and take other actions relating to this conservation effort. In accordance with these requirements, in 1988 IID entered into a conservation agreement with MWD, whereby, in exchange for funding to

support IID's conservation efforts, MWD would acquire approximately 100,000 afa of conserved water.

### **KEY ISSUES**

1. Is the amount of water that is proposed to be transferred water that will be conserved in accordance with Water Code section 1011?
2. Would the proposed transfer result in substantial injury to any legal user of water? (Wat. Code, § 1736.) The petitioners initially are responsible for showing that there will not be substantial injury to any legal user of water. If the petitioners make such a showing, however, and a party objects to the petitioned changes based on injury to existing water rights, the party claiming injury must present evidence demonstrating the specific injury to the existing water right that would result from approval of the transfer. In addition, the party claiming injury must present evidence that describes the basis of the allegedly injured party's claim of water right, the date the water use began, the quantity of water use during each relevant period of the year, the purpose of use, and the specific place of use.
3. Would the petitioned changes unreasonably affect fish, wildlife, or other instream beneficial uses of water? (Wat. Code, § 1736.) The petitioners initially are responsible for showing that there will be no unreasonable effect on fish, wildlife, or other instream beneficial uses of water. If the petitioners make such a showing, however, and a party objects to the transfer based on the claim that the transfer will unreasonably affect fish, wildlife, or other instream beneficial uses, the party must present evidence supporting the claim.
4. Should the SWRCB make any additional findings concerning the transfer, IID's water rights, or IID's water conservation program, as requested by petitioners? Specifically, should the SWRCB make any of the following findings?
  - a. California law, including Water Code sections 1011, 1012 and 1013, applies to and governs IID's transfer of conserved water to SDCWA, and IID's water rights are unaffected by IID's transfer of conserved water;
  - b. The conserved water transferred by IID to SDCWA under the agreement between IID and SDCWA (hereafter Agreement) retains the same priority as if the water had been diverted by and used within IID;
  - c. The transfer of conserved water by IID to SDCWA under the Agreement is in furtherance of SWRCB Decision 1600; SWRCB Order WR 88-20; article X, section 2 of the California Constitution; and Water Code sections 100 and 109;
  - d. The transfer of conserved water by IID to SDCWA under the Agreement further establishes the reasonable and beneficial use of water by IID;
  - e. The quantity of conserved water transferred in each year of the Agreement will be verified by the SWRCB confirming that: (1) IID is enforcing the contractual duties and obligations of the contracting landowners within IID to undertake water

conservation efforts; (2) IID has undertaken water conservation efforts, if applicable; and (3) IID's diversions at Imperial Dam (less return flows) have been reduced in an amount at least equal to the quantity of conserved water transferred for each year of the Agreement;

f. IID's reduced diversions at Imperial Dam (less return flows) during the term of the Agreement will be measured by subtracting from 3,100,000 afa the sum of [actual diversions (less return flows) of IID during the applicable year of the Agreement under IID's third priority water right plus the amount of water transferred to MWD under the 1988 agreement between IID and MWD] and disregarding the actual diversions (less return flows) of IID during the applicable year of the Agreement, if any, under IID's sixth or seventh priority water rights; or

g. To assist the U.S. Bureau of Reclamation in the administration of diversions on the Colorado River and to insulate junior right holders from any possible negative impacts during the term of the Agreement, IID will forbear under its third priority water right from diverting (less return flows) in excess of 90 percent of the water available under its sixth and seventh priority water rights.

As indicated above, the SWRCB may in its discretion modify the scope or content of these key hearing issues following the pre-hearing conference.

### **HEARING PARTICIPATION**

IF YOU WANT TO TAKE PART IN THIS HEARING you should carefully read the enclosure entitled "Information Concerning Appearance at Water Right Hearing." As stated in that enclosure, parties intending to present evidence at the hearing must submit a **Notice of Intent to Appear**, which must be received by the SWRCB on or before **February 25, 2002**.

To facilitate exchange of testimony, exhibits and witness qualifications, on or about **March 1, 2002**, the SWRCB will mail out a list of those parties who have indicated an intent to participate in the hearing.

Copies of witnesses' proposed testimony, exhibits, list of exhibits, and qualifications must be served upon and received by the SWRCB and each of the parties who have indicated their intent to appear no later than **March 25, 2002**.

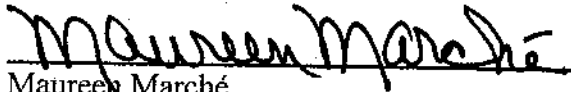
### **PARKING AND ACCESSIBILITY**

The enclosed maps show the location of the Joe Serna Jr./Cal EPA Building and public parking sites in Sacramento. The Joe Serna Jr./Cal EPA Building Sierra Room is accessible to persons with disabilities.

### **IF YOU HAVE ANY QUESTIONS**

SWRCB Chairman Arthur G. Baggett, Jr. will be the hearing officer presiding over this proceeding. SWRCB hearing team members will be Dana Differding, Staff Counsel, Tom Peltier, Senior Engineering Geologist, and Andy Fecko, Environmental Scientist. During the pendency of this proceeding, commencing no later than the issuance of this notice, there will

be no *ex parte* communications between SWRCB members or SWRCB staff and any of the participants regarding substantive issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding noncontroversial procedural matters are permissible, and may be directed to either the hearing officer or staff counsel. (Gov. Code, § 11430.20, subd. (b).) Communications regarding routine, noncontroversial procedural matters should be directed to staff counsel. Ms. Differding may be reached at (916) 341-5188.

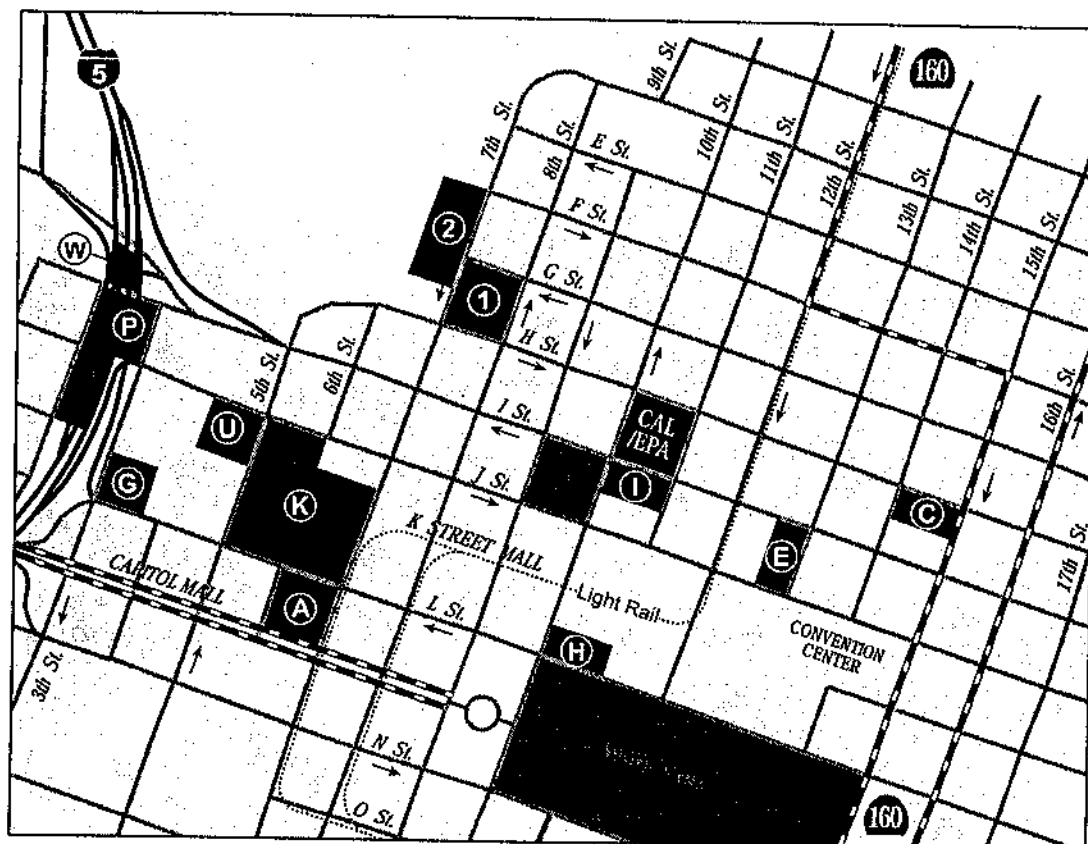
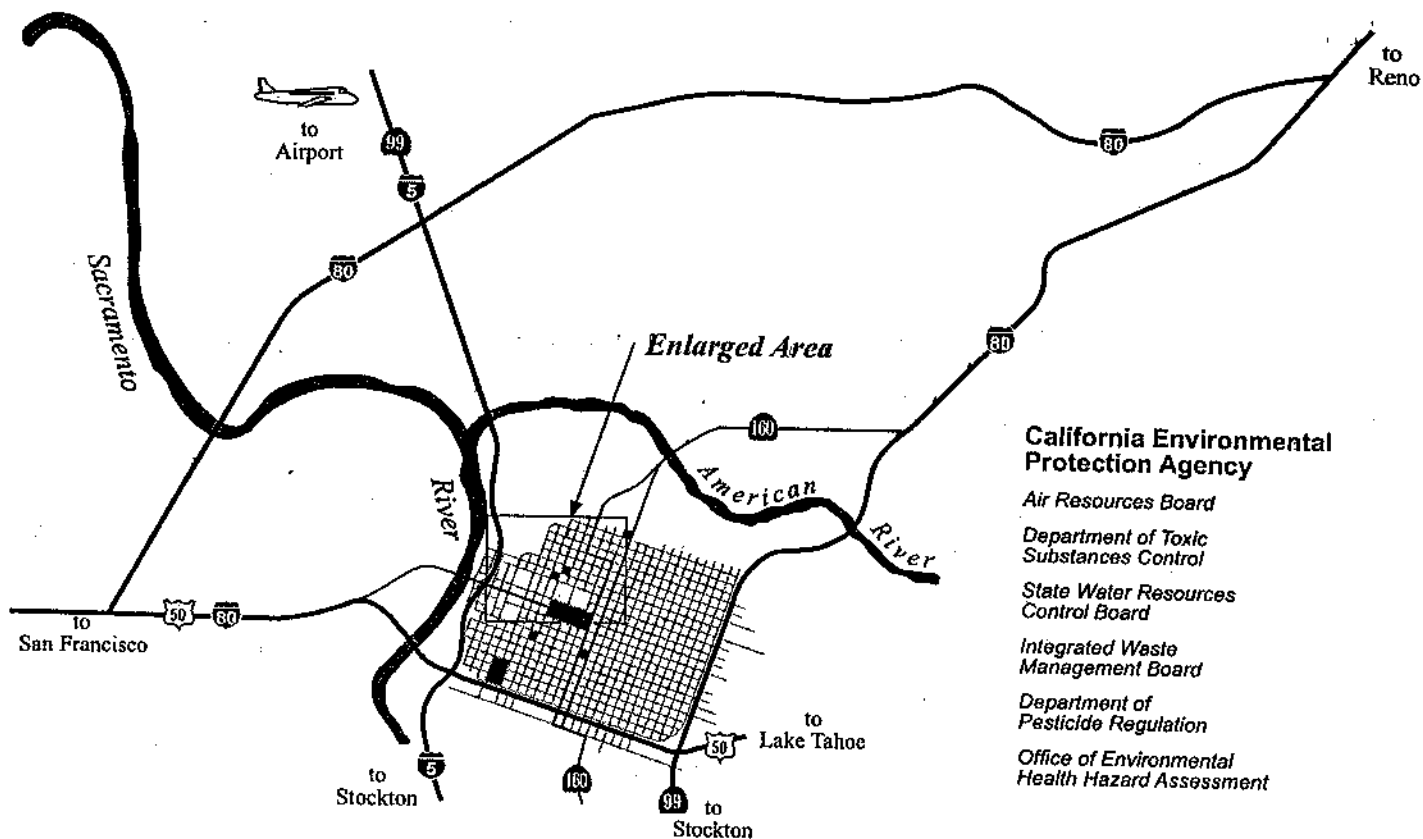
  
Maureen Marché  
Clerk to the Board

Enclosure

Date: December 20, 2001







Lot 1 (7th & G St.)  
\$0.75 ea. 1/2 hr.

Lot 2 (7th & G St.)  
\$0.75 ea. 1/2 hr.

Lot A (7th & Capitol)  
\$0.75 ea. 1/2 hr. for first 2 hrs.  
\$1.50 ea. additional hr.  
\$8.00 maximum charge

Lot C (14th & H St.)  
\$5.00 flat rate

Lot G (3rd & L)  
\$0.75 ea. 1/2 hr. for first 2 hrs.  
\$1.25 ea. additional 1/2 hr.  
\$13.00 daily maximum charge

Lot H (10th & L)  
\$1.25 each 1/2 hr.  
\$15.00 daily maximum charge

Lot I (10th & I, 11th & I)  
\$1.00 each 1/2 hr.  
\$12.00 daily maximum charge

Lot K (6th & J/L, 7th & K)  
\$0.75 ea. 1/2 hr. for first 2 hrs.  
\$1.25 ea. additional 1/2 hr.  
\$13.00 daily maximum charge

Lot P (2nd & I)  
\$0.75 ea. 1/2 hr. for first 3 hrs.  
\$1.00 ea. additional 1/2 hr.  
\$12.00 daily maximum charge

Lot U (5th & J)  
\$0.50 ea. 1/2 hr. for first 2 hrs.  
\$1.00 ea. additional 1/2 hr.  
\$12.00 maximum charge

Lot W (2nd & I St.)  
\$5.00 flat rate

## Enclosure 1

### INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS

The following procedural requirements will apply and will be strictly enforced for purposes of the above-mentioned hearing.

1. **HEARING PROCEDURES GENERALLY:** The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-649.6 and 760, as they currently exist or may be amended. A copy of the current regulations, and the underlying statutes, governing adjudicative proceedings before the State Water Resources Control Board (SWRCB) is available upon request or may be viewed at the SWRCB's web site:  
[http://www.swrcb.ca.gov/water\\_laws/](http://www.swrcb.ca.gov/water_laws/).

Each party has the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross examination. The hearing officer may extend these rights to a non-party participant or may limit the participation of a non-party participant.

Any requests for exceptions to the procedural requirements specified in this notice shall be filed in writing. To provide time for other participants to respond, the hearing officer will rule on procedural requests filed in writing no sooner than fifteen days after receiving the request, unless an earlier ruling is necessary to avoid disrupting the hearing.

2. **PARTIES:** The parties are the petitioners and persons or entities who have filed unresolved protests or objections, and any other persons or entities authorized by the hearing officer to participate in the hearing as parties. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence. A person or entity who appears and presents only a policy statement will not be allowed to participate in other parts of the hearing. The rules for policy statements are discussed below.
3. **NOTICE OF INTENT TO APPEAR:** Participants in this hearing must file a Notice of Intent to Appear and twelve copies thereof which must be received by the SWRCB no later than **4:00 p.m. on February 25, 2002**. Failure to submit a Notice of Intent to Appear and exhibits in a timely manner may be interpreted by the SWRCB as intent not to appear.

The Notice of Intent to Appear must state the name and address of the participant; the name of each witness who will testify on the participant's behalf; a brief description of the proposed testimony; and an estimate of the time, not to exceed 20 minutes, that the witness will take to present a brief oral summary of the witness's testimony. The witness's testimony must be submitted in writing as described in section 4 below. Participants who do not intend to present a case in chief but who may wish to cross

examine witnesses or present rebuttal should so indicate on the Notice of Intent to Appear. Participants who decide not to present a case in chief after having submitted a Notice of Intent to Appear should notify the SWRCB and the other participants as soon as possible.

Following receipt of the Notices of Intent to Appear, the SWRCB will mail to each participant who has submitted a notice a service list of participants. No later than **March 8, 2002**, each participant shall serve a copy of its Notice of Intent to Appear on each of the participants identified on the service list along with a statement of service that indicates the manner of service. If there is any change in the hearing schedule, only those persons or entities who have filed a Notice of Intent to Appear will be informed of the change.

4. **WRITTEN TESTIMONY AND OTHER EXHIBITS:** Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each participant proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.<sup>1</sup> Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A participant who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

Each participant shall submit **twelve** copies of each of its exhibits to the SWRCB and serve a copy of each exhibit and index on every participant on the service list. With its exhibits, each participant must submit to the SWRCB and serve on the other participants a completed Exhibit Identification Index. A statement of service with manner of service indicated shall be filed with each participant's exhibits. The exhibits and indexes for this hearing, and a statement of service, must be received by the SWRCB by **4:00 p.m. on March 25, 2002** and served on the other participants on or before that date.

If possible, each participant should submit to the SWRCB and serve on the other participants an electronic copy, as well as a hard copy, of the Exhibit Identification Index. The electronic copy should be submitted on a disk or as an attachment to electronic mail sent to [WrHearing@waterrights.swrcb.ca.gov](mailto:WrHearing@waterrights.swrcb.ca.gov), with the subject heading of "IID/SDCWA PETITION." The electronic copy must be in a version supported by Microsoft Excel 97 (preferred) or Word 97. The SWRCB will post a list of all exhibits submitted for the hearing on its website at <http://www.waterrights.ca.gov/hearings>.

The following requirements apply to exhibits:

- a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.
- b. The hearing officer has discretion to receive in evidence by reference relevant, otherwise admissible, public records of the SWRCB and documents or other evidence that have been prepared and published by a public agency, provided

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<sup>1</sup> The hearing officer may make an exception to this rule if the witness is adverse to the participant presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officer may allow presentation of the oral direct testimony without requiring written testimony.

that the original or a copy was in the possession of the SWRCB before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A participant offering an exhibit by reference shall advise the other participants and the SWRCB of the titles of the documents, the particular portions, including page and paragraph numbers, on which the participant relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the SWRCB's files where the document may be found.

- c. A participant seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other participants prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a participant waives the opportunity to obtain a copy of the exhibit, the participant sponsoring the exhibit will not be required to provide a copy to the waiving participant. Additionally, such exhibits may be submitted to the SWRCB in electronic form, using a file format readable by Microsoft Office 97 software.
  - d. Exhibits that rely on unpublished technical documents will be excluded unless the unpublished technical documents are admitted as exhibits.
5. **ORDER OF PROCEEDING:** The SWRCB member serving as hearing officer will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events.
- a. **Policy Statements:** Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (d), the SWRCB will provide an opportunity for presentation of nonevidentiary policy statements or comments by interested persons who are not participating in the hearing. Policy statements will be heard at 10:00 a.m., on April 23, 2002. Policy statements are subject to the following provisions in addition to the regulation:
    - i. Policy statements are not subject to the prehearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.
    - ii. The SWRCB requests that policy statements be provided in writing before they are presented. Oral summaries of the policy statements will be limited to five minutes or such other time as established by the hearing officer.
  - b. **Presentation Of Cases In Chief:** Each participant may present a case in chief addressing the key issues identified in the hearing notice. The case in chief will consist of any opening statement provided by the participant, oral testimony, introduction of exhibits, and cross examination of the participant's witnesses. The hearing officer may allow redirect examination and recross examination. The hearing officer will decide whether to accept the participant's exhibits in evidence upon a motion of the participant after the case in chief has been completed.
    - i. **Opening Statements:** At the beginning of a case in chief, the participant or the participant's attorney may make an opening statement briefly and concisely stating the objectives of the case in chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues. Oral opening statements will be limited to 20

minutes per participant. A participant may submit a written opening statement. Any policy-oriented statements by a participant should be included in the participant's opening statement.

- ii. **Oral Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses will be allowed up to 20 minutes to summarize or emphasize their written testimony on direct examination.<sup>2</sup> Each participant will be allowed up to two hours total to present all of its direct testimony.<sup>3</sup>
- iii. **Cross Examination:** Cross examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, the hearing officer will decide whether the participant's witnesses will be cross examined as a panel. Cross examiners initially will be limited to one hour per witness or panel of witnesses. The hearing officer has discretion to allow additional time for cross examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross examination permitted by the hearing officer will be limited to the scope of the cross examination and the redirect examination, respectively. Witnesses may be cross examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (a).) Ordinarily, only a participant or the participant's representative will be permitted to examine a witness, but the hearing officer may allow a participant to designate a person technically qualified in the subject being considered to examine a witness. SWRCB members and the SWRCB's counsel may ask questions at any time, and the SWRCB members and staff may cross examine any witness.
- c. **Rebuttal:** After all participants have presented their cases in chief and their witnesses have been cross-examined, the hearing officer will allow participants to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented in another participants case in chief. Rebuttal testimony and exhibits need not be submitted prior to the hearing. Rebuttal evidence is limited to evidence that is responsive to evidence presented in a case in chief, and it does not include evidence that should have been presented during the presenter's case in chief. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.
- d. **Closing Statements and Legal Arguments:** At the close of the hearing or at other times if appropriate, the hearing officer may allow oral arguments or set a schedule for filing briefs or closing statements. If the hearing officer authorizes the participants to file briefs, twelve copies of each brief shall be submitted to the SWRCB, and one copy shall be served on each of the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the

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<sup>2</sup> The hearing officer may allow additional time for the oral direct testimony of the witness if the witness is adverse to the participant presenting the testimony and the hearing officer is satisfied that the participant could not produce written direct testimony for the witness.

<sup>3</sup> The hearing officer may, for good cause, approve a party's request to use more than two hours total to present direct testimony during the party's case in chief.

- subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.
- e. **Large Format Exhibits**: Participants submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, participants may supply, for the hearing record, a reduced copy of a large format original if it is readable.
6. **RULES OF EVIDENCE**: Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.
7. **SUBMITTALS TO THE SWRCB**: Notices of Intent to Appear, written testimony and other exhibits submitted to the SWRCB should be addressed as follows:

Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000  
Attn: Tom Peltier  
Phone: (916) 341-5353  
Fax: (916) 341-5400  
Email: [WrHearing@waterrights.swrcb.ca.gov](mailto:WrHearing@waterrights.swrcb.ca.gov)  
With Subject of "IID/SDCWA Petition"

## Exhibit Identification Index

Participant SWRCB Staff Exhibits

Exhibit No.	Description	Status as Evidence	
		Introduced	Accepted
SWRCB 1	SWRCB Files for Application No. 7482 including but not limited to:		
SWRCB 1a	Permit No. 7643		
SWRCB 1b	Joint Petition of IID and SDCWA for Change In Point of Diversion and Place of Use		
SWRCB 1c	First Amendment to the Joint Petition of IID and SDCWA		
SWRCB 1d	Second Amendment to the Joint Petition of IID and SDCWA		
SWRCB 2	SWRCB Decision 1600		
SWRCB 2a	SWRCB Order 84-12		
SWRCB 2b	SWRCB Order WR 88-20		
SWRCB 2c	IID Water Conservation Progress Reports submitted between June 20, 1989 and December 19, 2001		
SWRCB 2d	IID Water Conservation Plan, dated 1985		
SWRCB 2e	Rules and Regulations Governing the Distribution and Use of Water, Imperial Irrigation District, dated September 8, 1987		
	[The items listed under SWRCB Staff Exhibit 2, et seq. are contained in the SWRCB Complaint File: 262.0/13-02 Salton Sea – Imperial Irrigation District]		
SWRCB 3	Record of Decision on Colorado River Interim Surplus Guidelines Final Environmental Impact Statement and Supporting FEIS Documents, January 2001		
SWRCB 4	Quantification Settlement Agreement (Draft, December 12, 2000)		
SWRCB 5	Seven-Party Water Agreement of August 18, 1931		
SWRCB 6	California's Colorado River Water Use Plan (Draft - May 11, 2000)		
SWRCB 7	The Status of Rare, Threatened, and Endangered Animals and Plants of California, Annual Report for 2000. CDFG Publication.		

**Exhibit Identification Index**

Participant \_\_\_\_\_

Exhibit No.	Description	Status as Evidence	
		Introduced	Accepted



## NOTICE OF INTENT TO APPEAR

\_\_\_\_\_ plans to participate in the water right hearing  
(name of party or participant)

regarding:

Joint Petition of IID and SDCWA for the  
Transfer of Conserved Water under Permit No. 7643

**Scheduled for**  
**April 23, 2002 and, if necessary**  
**April 24, 29, 30, and May 1**

I/we plan to call the following witnesses to testify at the hearing:

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS YES/NO

(If more space is required, please add additional pages or use reverse side.)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-mail Address

**Imperial Irrigation District  
Interested Parties List**

California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Mr. Thomas Levy, Gen. Manager  
Coachella Valley Water District  
P.O. Box 1058  
Coachella, CA 93326

Gerald Zimmerman, Exec. Dir.  
Colorado River Board  
770 Fairmont Ave. #100  
Glendale, CA 91203-1035

Curt Taucher, Regional Manager  
Dept. of Fish & Game, Region 6  
330 Golden Shore, #50  
Long Beach, CA 90802

Metropolitan Water District of  
Southern California  
700 N. Alameda Street #1-304  
Los Angeles, CA 90012

California Dept. of Fish & Game  
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Office of Chief Counsel  
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4646 E. Ft. Lowell, Ste. 106  
Tuscon, AZ 85712

City Clerk  
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Deputy Secretary for Land  
Conservation and Stewardship  
Resources Agency  
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Sacramento CA, 95814

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Parker, AZ 85344

Colorado River Indian Tribe  
26600 Mojave Road  
Parker, AZ 85344

Bureau of Land Management  
Arizona State Office  
222 N. Central Avenue  
Phoenix, AZ 85004

Bureau of Land Management  
California State Office  
2800 Cottage Way, Rm. W1834  
Sacramento, CA 95825-1886

Bureau of Land Management  
Nevada State Office  
1340 Financial Blvd.  
Reno, NV 89502-7147

United States Dept of the Interior  
Fish and Wildlife Services  
Ecological Services  
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Carlsbad, CA 92008

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Cibola Station  
Cibola, AZ 85328

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Los Angeles, CA 90012

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Patty Vida  
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Sacramento, CA 95814

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Main Office  
Martinez Lake, AZ 85365

Picacho State Recreation Area  
Dept. of Parks & Recreation  
P.O. Box 848  
Winterhaven, CA 92283

Picacho State Recreation Area  
Salton Sea Sector Headquarters  
100-225 State Park Rd.  
North Shore, CA 92554

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Riverside County Farm Bureau, Inc.  
21160 Box Springs Road, Suite 102  
Moreno Valley, CA 92557

State of Nevada  
Dept. of Water Resources  
123 West Rye Lane, Suite 246  
Carson City, NV 89706

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San Diego, CA 92101

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Mexico, D.F. 01000

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U.S. Department of the Interior  
Bureau of Reclamation  
PO Box 61470  
Boulder City, NV 89006-1470

U.S. Bureau of Reclamation  
Parker Dam/Gov Camp  
Parker Dam, CA 92267

State of Arizona  
Dept. of Water Resources  
500 North 3rd Street  
Phoenix, AZ 85004

Fort Mojave Indian Tribe  
Attn: Nora Helton, Chairperson  
500 Merriman Avenue  
Needles, CA 92363

Mayor/City Manager  
Vidal, CA 92280

U.S. Bureau of Reclamation  
Yuma Project  
7301 S. Calle Agua Salada  
Yuma, AZ 85364

Town of Parker Water Dept  
1314 11<sup>th</sup> Street  
PO Box 609  
Parker, AZ 85344

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Water Conservation Advisory Bd.  
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Coachella, CA 92236

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Regional Water Quality Control Board  
Colorado River Basin, Region 7  
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Palm Desert, CA 92260

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Executive Director  
Imperial County Farm Bureau  
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El Centro, CA 92243-2315

Executive Director  
San Diego County Farm Bureau  
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Escondido, CA 92027-2498

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Assistant Secretary of the Interior  
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Mr. Robert Johnson  
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Bureau of Reclamation  
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California Farm Bureau Federation  
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Simone  
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Mr. D. Larry Anderson  
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P.O. Box 146201  
Salt Lake City, UT 84114-1201

DL Sanders  
Water Rights Protection  
and Adjudication Program  
P.O. Box 25102  
Santa Fe, NM 87504

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85 Second St., Second Floor  
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Executive Director  
Audubon Society  
555 Audubon Place  
Sacramento, CA 95825

Los Angeles Audubon Society  
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3345 Wilshire Blvd. Ste. 508  
Los Angeles, CA 90010-1819

Summer Bundy  
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Glendale, CA 91203

Jeanine Jones  
Department of Water Resources  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

Brendan Fletcher  
Defenders of Wildlife  
926 J Street, Suite 522  
Sacramento, CA 95816

1157



# State Water Resources Control Board

John P. Caffrey, Chairman



Peter M. Rooney  
Secretary for  
Environmental  
Protection

Division of Water Rights  
901 P Street • Sacramento, California 95814 • (916) 657-0765 FAX (916) 657-1485  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
Internet Address: <http://www.swrcb.ca.gov>

Pete Wilson  
Governor

## NOTICE OF PETITION FOR CHANGE IN POINT OF DIVERSION, PLACE OF USE, AND PURPOSE OF USE, INVOLVING THE LONG-TERM TRANSFER OF UP TO 200,000 ACRE-FEET OF WATER TO AREAS WITHIN THE SAN DIEGO COUNTY WATER AUTHORITY SERVICE AREA, UNDER IMPERIAL IRRIGATION DISTRICT PERMIT 7643 (APPLICATION 7482)

Notice is hereby given that on July 22, 1998

Imperial Irrigation District  
c/o David Osias  
501 West Broadway, Suite 900  
San Diego, CA 92101

and

San Diego County Water Authority  
c/o Scott Slater  
21 East Carrillo Street  
Santa Barbara, CA 93101

filed with the State Water Resources Control Board (SWRCB) a Petition for Long-Term Change of Imperial Irrigation District's (IID) Permit 7643 (Application 7482) under California Water Code sections 1735, 1736 and 1737. On October 9, 1998 the IID and the San Diego County Water Authority (SDCWA) filed an amendment to the petition. If the petition is approved, the following actions would take place under the Permit 7643:

1. Lake Havasu would be added as an authorized point of diversion;
2. SDCWA service area would be added to the authorized place of use; and
3. Municipal use would be added as an authorized purpose of use;

On April 29, 1998, IID and SDCWA entered into the "Long-Term Conserved Water Transfer" Agreement (Agreement), which calls for IID to conserve water and transfer the amount of water conserved to SDCWA for use within its service area (Petition Exhibit 1). According to the Agreement, the following contingencies must be satisfied before any water will be transferred:

1. SDCWA must arrange for the conveyance of the water;
2. IID must meet specified targets for participation by its farmers;
3. Both IID and SDCWA must be able to reasonably mitigate environmental impacts of the transfer; and
4. IID and SDCWA must obtain the necessary state and federal approval.

Due to the above contingencies, SDCWA estimates that the water transfer will begin within three to five years. The changes requested in the petition would continue for at least 45 years and possibly up to 75 years if either IID or SDCWA decides to extend the Agreement.



This notice can be found on the SWRCB water right web site at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). The Petition (without appendices) and Agreement can be found on the IID web site at [www.iid.com](http://www.iid.com) in early November. The full text of the petition (with appendices) and Agreement can be reviewed at the following SWRCB offices:

State Water Resources Control Board  
Division of Water Rights  
901 "P" Street  
Sacramento, CA 95814  
(916) 657-2170

Colorado River Basin Regional Water  
Quality Control Board  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260  
(760) 346-7491

San Diego Regional Water  
Quality Control Board  
9771 Clairemont Mesa Blvd, Suite A  
San Diego, CA 92124-1331  
(619) 467-2952

Santa Ana Regional Water  
Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339  
(909) 782-4130

## DESCRIPTION OF THE PROPOSED TRANSFER

IID and SDCWA propose to transfer up to 200,000 acre-feet (AF) of IID conserved water to the SDCWA's service area for municipal, domestic, and agricultural use (see attached map). In the first year, IID will transfer 20,000 AF, increasing each year by 20,000 AF until a minimum of 130,000 AF or maximum of 200,000 AF is transferred. IID currently diverts water under Permit 7643 at Imperial Dam on the Colorado River to supply water for irrigation and domestic use. The current place of use under Permit 7643 is 992,548 acres in IID's service area (Petition Exhibit 3). The petitioners propose to divert water at Lake Havasu, which is approximately 140 miles upstream of IID's diversion point at Imperial Dam, equal to the volume of water conserved by IID. Diversion at Lake Havasu is necessary to enable the Metropolitan Water District of Southern California (MWD) to transport the water through the Colorado River Aqueduct for delivery to the SDCWA service area, which includes the City of San Diego and other local water districts.

## STATUS OF IID'S WATER RIGHT

Permit 7643, issued to IID on January 6, 1950, authorizes IID to directly divert up to 10,000 cubic feet per second (cfs) at any instant and up to 3,850,000 AF annually (under Priorities 3, 6, and 7 of the Seven-Party Agreement, which is explained below) from the Colorado River at Imperial Dam for irrigation and domestic use. The IID has seven other water rights for power purposes.

On November 5, 1930 the Secretary of the Interior requested the California Division of Water Resources to recommend a proper method of apportioning the water that California was entitled to receive under the 1922 Colorado River Compact and the Boulder Canyon Project Act. Thereafter, a number of users and prospective users of Colorado River water, including IID, entered into the Seven-Party Agreement on August 18, 1931 (Petition Exhibit 2). The

Seven-Party Agreement provides a schedule of apportionments and priorities. The parties requested "the Division of Water Resources [which is the predecessor to the SWRCB] to, in all respects, recognize said apportionments and priorities in all matters relating to State authority and to recommend the [apportionment and priority provisions] to the Secretary of the Interior of the United States for insertion in any and all contracts for water made by him pursuant to the terms of the Boulder Canyon Project Act..." Due to the unique nature of water rights on the Colorado River, the permits that IID received have essentially remained dormant without going to license even though the project was "completed" years ago. The Seven-Party Agreement states the following apportionments and priorities:

### Water Allotment: California Seven-Party Agreement

<u>Priority</u>	<u>Description</u>	<u>Acre-Feet Annually</u>
1	Palo Verde Irrigation District gross area of 104,500 acres	] --- 3,850,000
2	Yuma Project (Reservation Div.) not exceeding a gross area of 25,000 acres	
3(a)	Imperial Irrigation District and lands in Imperial and Coachella Valleys to be served by the All-American Canal	
3(b)	Palo Verde Irrigation District 16,000 acres of mesa lands	
4	Metropolitan Water District and/or the City of Los Angeles and/or others on the coastal plain	550,000
5(a)	Metropolitan Water District and/or the City of Los Angeles and/or others on the coast plain	550,000
5(b)	City and/or County of San Diego	112,000
6(a)	Imperial Irrigation District and lands in Imperial and Coachella Valleys	] --- 300,000
6(b)	Palo Verde Irrigation District 16,000 acres of mesa lands	
7	Agricultural Use	All Remaining Water
TOTAL		5,362,000

When IID entered into its contract with the Secretary of the Interior, it was anticipated that the lands to be served with Colorado River water in the Coachella Valley to the north would become part of the IID. However, the Coachella farmers eventually decided that they preferred to have their own delivery contract with the Secretary. In 1934, IID and Coachella Valley Water District (CVWD) executed a compromise agreement (1934 Agreement), which paved the way for CVWD to have its own contract with the Secretary (Petition Exhibit 5). The 1934 Agreement was entered into prior to enactment of the present laws promoting water transfers.

According to IID, its "water use takes precedence over CVWD's use." The IID also contends that the Water Code allows the transfer of water conserved in the IID to the SDCWA. However, according to CVWD, "the IID was given a prior right to the third and sixth priority water over Coachella exclusively for use in the Imperial Service Area." (October 16, 1996 letter from Tom Levy, General Manager-Chief Engineer to Michael J. Clinton, General Manager, Imperial Irrigation District-File: 0645.741). The 1934 Agreement states that "Imperial Irrigation District shall have the prior right for irrigation and potable purposes only, and exclusively for use in the Imperial Service Area as hereinafter defined, or hereunder modified, to all waters apportioned..." IID and CVWD are currently negotiating to attempt to resolve the issues involving the use of Colorado River water. In the absence of an updated agreement between IID and CVWD, the SWRCB will have to determine what conditions are necessary to ensure that substantial injury to CVWD does not occur.

IID's diversions (less return flow) reached 3.22 million AF in 1996 and 3.27 million AF in 1997. When IID places an order for water with the U.S. Bureau of Reclamation (USBR), the request is made six to ten days prior to the time the water is to be delivered to the farmers' headgates. Water to be diverted into the 82-mile All-American Canal at Imperial Dam must be released from Hoover Dam approximately 305 miles upstream. The water passes through USBR facilities at Lake Mojave and Lake Havasu on the Colorado River before flowing downstream to Imperial Dam. Water from the All-American Canal is distributed to the East Highline, Central Main and Eastside Main Canals, which are the three major canals that supply water to the smaller canals throughout the Imperial Valley.

IID's irrigation system includes the All-American Canal as well as 1,675 miles of other canals that serve about 5,600 headgates. In addition, IID manages ten regulating reservoirs. The drainage system in the Imperial Valley has over 1,400 miles of drain ditches and another 33,600 miles of tile drains. The flows from the surface tile drains ultimately go into the New River or the Alamo River, or directly into the Salton Sea. For more information on the Colorado River Basin, see the California Department of Water Resources' Bulletin 160-98: California Water Plan Public Review Draft at [www.rubicon.water.ca.gov](http://www.rubicon.water.ca.gov).

## STATUS OF SDCWA'S PROJECT

SDCWA's service area encompasses 909,000 acres along the southern coast of California (see attached map). It consists of six cities, three water districts, three irrigation districts, eight municipal water districts, one public utility district, one federal agency and one county

water district. The County of San Diego, which does not deliver water, is an ex-officio member agency.

Typically, 75 to 90 percent of the county's water is imported. Depending on the time of year, between 75 and 100 percent of the water delivered by MWD to San Diego County comes from the Colorado River via a 242-mile aqueduct. The State Water Project supplies the rest from the Sacramento-San Joaquin River Delta through the 444-mile California Aqueduct. SDCWA takes delivery of water from MWD approximately six miles south of the Riverside-San Diego County line and transports it through five large-diameter pipelines to 23 retail water agencies in San Diego County. These agencies in turn deliver water directly to homes, businesses and other users. In 1996, SDCWA water deliveries to its member agencies totaled 446,000 AF.

Ninety-seven percent of San Diego County's 2.7 million residents live within the SDCWA service area. The population served by SDCWA is expected to reach 3.8 million by 2015. Water demand is projected to increase from 597,000 acre-feet in 1996 to 787,000 acre-feet in 2015. Water use in San Diego County breaks down by category as follows: residential, 54 percent; agriculture, 19 percent; commercial, 13 percent; public and other, 12 percent; and industry, 2 percent. The SDCWA Water Resources Plan outlines how SDCWA will develop its future water supply (Petition Exhibit 24).

The SDCWA place of use in terms of township (T) and range (R) of the United States public land survey is within all or a portion of San Diego County, State of California, lying southerly of the Standard Parallel South (T8S, T9S) and westerly of the R3E SBB&M, excluding portions of T9S, R1E; T9S, R2E; T10S, R2E; T11S, R2E; T12S, R2E; T14S, R2E; and T18S, R2E; but including portions of T8S, R6W; T8S, R5W; and T8S, R4W, SBB&M.

## **COMPLIANCE WITH STATE AND FEDERAL ENVIRONMENTAL REGULATIONS**

The SWRCB must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses. An environmental assessment of the project described in the Agreement will be prepared in compliance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Pursuant to the Agreement, IID will serve as the "Lead Agency" and SDCWA will be a "Responsible Agency" for the purposes of compliance with CEQA. The USBR is the "Lead Agency" for NEPA compliance.

IID anticipates that a joint Long-Term Water Transfer Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) will be prepared. The environmental review process requires consultation by IID with responsible, trustee, and cooperating state and federal agencies, including the SWRCB as a responsible agency. IID will seek the comments and participation of such entities as well as the public throughout the environmental review process. IID anticipates that the draft EIR/EIS will be circulated for review and comment in September 2000. After completion of the comment period, IID anticipates a final EIR/EIS will be prepared and finalized by approximately April 2001.

## SWRCB'S AUTHORITY OVER THE PETITION

California Water Code sections 1735, 1736 and 1737 govern long-term water transfers. Water Code section 1735 states that the SWRCB may consider a petition for a long-term transfer of water or water rights involving a change of point of diversion, place of use, or purpose of use. Section 1736 provide that the SWRCB, after providing notice and opportunity for a hearing, may approve a petition for a long-term transfer (longer than one year) if:

1. The proposed change will not result in substantial injury to any legal user of the water; and
2. The proposed change will not unreasonably affect fish, wildlife, or other instream beneficial uses.

Water Code section 1736 also specifies that the California Department of Fish and Game must be provided (1) written notice of the petition; and (2) an opportunity for review and recommendation. Section 1737 states that after the long-term transfer period ends, all water rights shall automatically revert to the original holders of the water right without any action by the SWRCB.

Water Code sections 1011 authorizes the voluntary transfer of water made available through implementation of conservation measures, while protecting the water right of the agency that is conserving water. Section 1011 further provides that the conserved water "shall be deemed equivalent to a reasonable beneficial use of water." Water Code section 1012 specifically provides that water conservation efforts that result in reduced use of Colorado River water within the IID shall not affect the right to use the conserved water, except as agreed to by the parties. Water Code section 1013 protects IID from liability for effects on the Salton Sea resulting from conservation measures that reduce inflows, although these effects must still be evaluated and mitigated as required by CEQA. Water Code sections 1011, 1012 and 1013 do not require SWRCB approval to implement water conservation or water transfers, but will be considered by the SWRCB in applying its authority under other provisions of law.

The SWRCB has continuing authority over water diversion and use to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, pursuant to section 275 of the Water Code and article X, section 2 of the California Constitution. SWRCB Decision 1600 (1984) and Order WR 88-20 (1989) apply that continuing authority. Decision 1600 and Order WR 88-20 specify that IID must develop a comprehensive water conservation plan specifying a schedule of implementation and a method of financing selected water conservation measures. Decision 1600 and Order WR 88-20 identify water transfer agreements as a potential source of funding for these conservation measures. Order WR 88-20 concludes that the Water Code actively encourages transfers of conserved water and protects the underlying water right of the agency that conserves the water. Order WR 88-20 also reserves jurisdiction by the SWRCB for the purpose of reviewing the adequacy of IID's water conservation implementation plan and monitoring IID's progress in carrying out the plan.

Pursuant to the requirements of the Water Code, the SWRCB is seeking information to assist in the evaluation of the proposed transfer. Any person may submit comments, recommendations, or protests to the SWRCB concerning the IID/SDCWA water transfer petition. A paper copy of materials filed in response to this notice must be submitted (in writing) by 4:00 p.m. on December 15, 1998 at the SWRCB address listed below with copies forwarded to the petitioner and transferee at the addresses listed below. Since the draft Long-Term Water Transfer EIR/EIS will not be completed until late 2000, supplemental materials may be filed regarding unreasonable impacts on fish, wildlife or other instream beneficial uses, up to 90 days after the draft EIR/EIS is issued.

State Water Res. Control Bd.  
Division of Water Rights  
c/o Richard Satkowski  
901 "P" St., Sacramento, CA  
Mail: P.O. Box 2000  
Sacramento, CA 95812-2000

Petitioner  
Imperial Irrigation District  
c/o David Osias  
501 West Broadway, Suite 900  
San Diego, CA 92101

Transferee  
San Diego County Water Authority  
c/o Scott Slater  
21 East Carrillo Street  
Santa Barbara, CA 93101

PHONE: (916) 657-0435  
FAX: (916) 657-1485  
E-MAIL: rsatkowski@  
waterrights.swrcb.ca.gov

(619) 233-1155  
(619) 233-1158  
dosias@amlgm.com

(805) 963-7000  
(805) 965-4333  
sslater@hatchparent.com

If you have any questions concerning this notice, please contact Richard Satkowski at the address/number above. If you have any questions regarding specific details of the water transfer, please contact the petitioner or the transferee listed above.

HARRY M. SCHUELLER, Chief  
Division of Water Rights

Dated: October 15, 1998

Attachment: Map of Imperial Irrigation District and San Diego County Water Authority Service Areas (including the water transfer conveyance route)

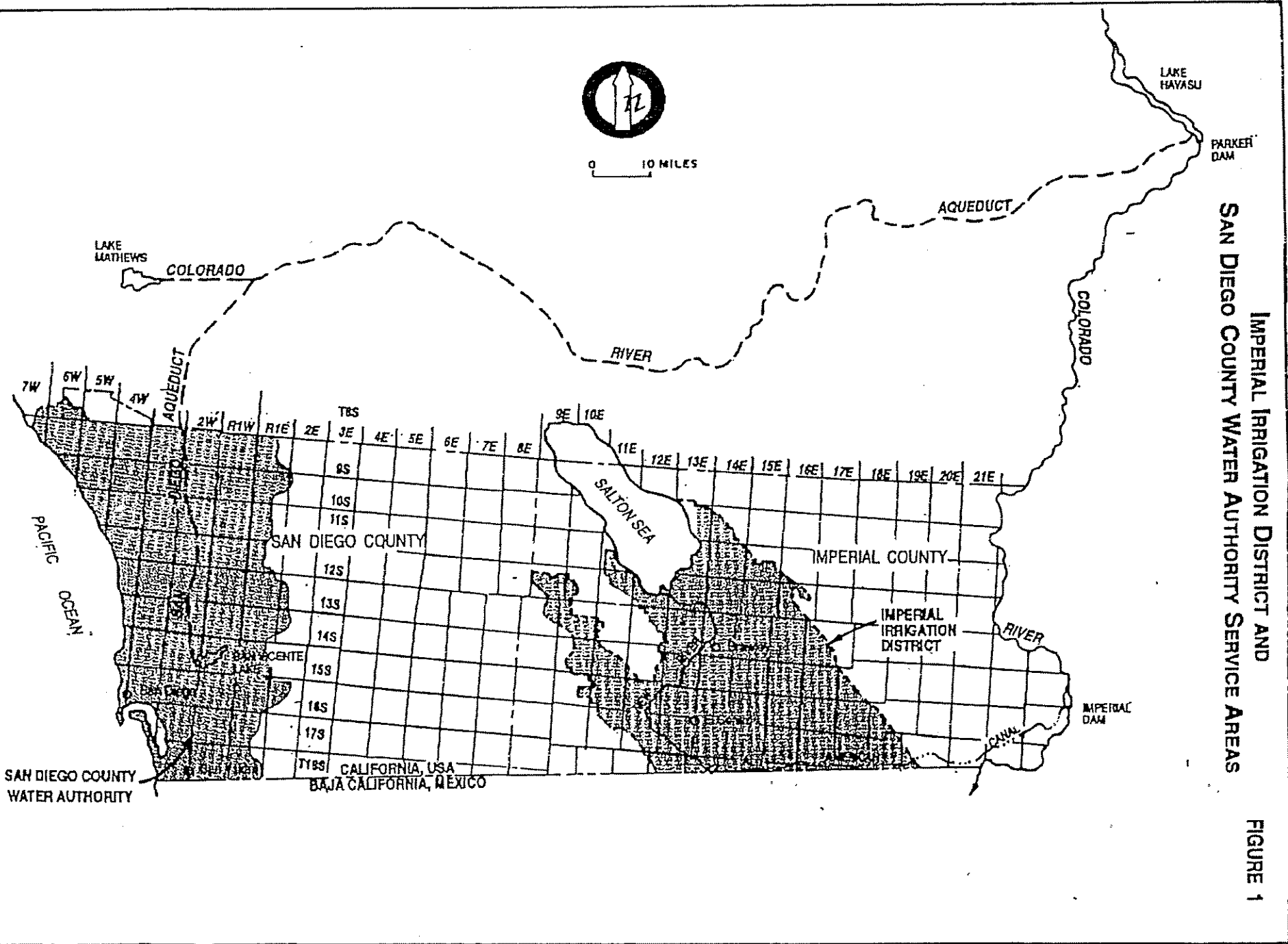


FIGURE 1

11-58





Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

Division of Water Rights  
901 P Street • Sacramento, California 95814 • (916) 657-0765  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis  
Governor

received  
9/20/99

SEP 17 1999

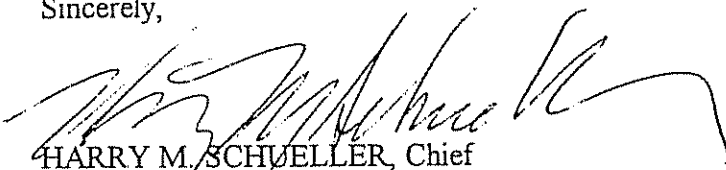
INTERESTED PARTIES:

**NOTICE OF EXTENSION OF TIME FOR SUBMITTAL OF COMMENTS AND PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF WATER DIVERTED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643 (APPLICATION 7482)**

On September 15, 1999 Thomas Hannigan, Director of the Department of Water Resources, requested an extension of time, from September 21, 1999, to September 22, 1999, for submittal of comments and protests on the long-term water transfer by the Imperial Irrigation District. The extension was requested to provide time for negotiations regarding this transfer to be completed. Therefore, the time for submitting comments and protests is extended until September 22, 1999.

If you have any questions concerning this notice, please contact me at (916) 657-1359.

Sincerely,

  
HARRY M. SCHUELLER, Chief  
Division of Water Rights

**Imperial Irrigation District  
Interested Parties List**

California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Mr. Thomas Levy, Gen. Mgr.  
Coachella Valley Water District  
P.O. Box 1058  
Coachella, CA 93326

Gerald Zimmerman, Exec. Dir.  
Colorado River Board  
770 Fairmont Ave. #100  
Glendale, CA 91203-1035

Ronald D. Rempel, Reg. Mgr.  
Dept. of Fish & Game  
330 Golden Shore, #50  
Long Beach, CA 90802

Metropolitan Water District of  
Southern California  
P.O. Box 350, S. Grand Ave.  
Los Angeles, CA 90071

California Dept. of Fish & Game  
1416 Ninth Street  
Sacramento, CA 95814

Office of Chief Counsel  
Dept. of Water Resources  
1416 Ninth Street, Rm. 1115  
Sacramento, CA 95814

Thomas Graff  
Environmental Defense Fund  
5655 College Avenue  
Oakland, CA 94618

John Elmore  
P.O. Box 156  
Brawley, CA 92227

Stephen Elmore  
P.O. Box 119  
Brawley, CA 92227

Cliff Hurley  
1108 W. Highway 80  
El Centro, CA 92243

David L. Osias  
Allen, Matkin, Leck, Gamble &  
Mallory Attorneys at Law  
501 West Broadway, Ninth Floor  
San Diego, CA 92101-3547

Imperial County  
Board of Supervisors  
940 Main Street, Suite 212  
El Centro, CA 92243

Imperial Irrigation District  
Public Information Office  
PO Box 937  
Imperial, CA 92251

United States Bureau of  
Reclamation  
P.O. Box 427  
Boulder City, Nevada 89005

Paul J. Giuntini  
Big River, California  
c/o Big River Development Co.  
4646 E. Ft. Lowell, Ste. 106  
Tucson, AZ 85712

City Clerk  
City of Blythe  
220 N. Spring Street  
Blythe, CA 92225

Patty Vida  
555 Capitol Mall, 10<sup>th</sup> Floor  
Sacramento, CA 95814

Martinez Lake, AZ  
Main Office  
Martinez Lake, AZ 85365

Picacho State Recreation Area  
Dept. of Parks & Recreation  
P.O. Box 848  
Winterhaven, CA 92283

Picacho State Recreation Area  
Salton Sea Sector Headquarters  
100-225 State Park Rd.  
North Shore, CA 92554

Mindy Phillips  
760 Main Street  
El Centro, CA 92243

State of Nevada  
Dept. of Water Resources  
123 West Rye Lane, Suite 246  
Carson City, NV 89706

San Diego County  
c/o John Sansone, Cty. Cnsl.  
1600 Pacific Hwy., Room 355  
San Diego, CA 92101

Mayor/City Manager  
City of Poston  
Poston, AZ 85371

U.S. Department of the Interior  
Bureau of Reclamation  
PO Box 61470  
Boulder City, NV 89006-1470

U.S. Bureau of Reclamation  
Parker Dam/Gov Camp  
Parker, Dam, CA 92267

State of Arizona  
Dept. of Water Resources  
500 North 3rd Street  
Phoenix, AZ 85004

Fort Mojave Indian Tribe  
Attn: Nora Helton, Chairperson  
500 Merriman Avenue  
Needles, CA 92363

Mayor/City Manager  
Vidal, CA 92280

U.S. Bureau of Reclamation  
Yuma Project  
7301 S. Calle Agua Salada  
Yuma, AZ 85364

Town of Parker Water Dept  
1314 11<sup>th</sup> Street  
PO Box 609  
Parker, Arizona 85344

Imperial Irrigation District  
Water Conservation  
Advisory Board  
1284 Main Street  
El Centro, CA 92243

City of San Diego  
c/o Casey G. Gwinn, City Atty.  
1200 Third Avenue #1600  
San Diego, CA 92101

Robert W. Hargreaves, Esq.  
Best, Best & Krieger, LLP  
29700 Bob Hope Drive, Suite 312  
Rancho Mirage, CA 92270

Jesse Silva  
General Manager  
Imperial Irrigation District  
PO Box 937  
Imperial, CA 92251

Andy Horne, Director  
Imperial Irrigation District  
PO Box 937  
Imperial, CA 92251

Antonio Rossmann  
380 Hayes Street  
Suite 1  
San Francisco, CA 94102

Tom Kirk, Executive Director  
Salton Sea Authority  
78-035 Calle Estado  
La Quinta, CA 92253-2930

Robert E. Perkins  
Riverside County Farm Bureau, Inc.  
21160 Box Springs Road, Suite 10  
Moreno Valley, CA 92557

California Farm Bureau Federation  
c/o David J. Guy  
2300 River Plaza Drive  
Sacramento, CA 95833-3239

11-59



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

received  
8/31/99



## Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-0765  
Mailing Address: P O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis  
Governor

TO INTERESTED PARTIES:

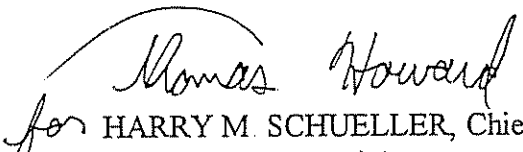
### NOTICE OF EXTENSION OF TIME FOR SUBMITTAL OF COMMENTS AND PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF WATER DIVERTED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643 (APPLICATION 7482)

On October 15, 1998, the State Water Resources Control Board (SWRCB) issued a notice of the petition described above. As described in the October 15th notice, the proposed water transfer would involve up to 200,000 acre-feet of water per year from the Imperial Irrigation District (IID) to areas within the San Diego County Water Authority Service Area. The October 15th notice provided that parties who wished to submit comments, recommendations, or protests to the SWRCB concerning the proposed transfer must do so by December 15, 1998.

The SWRCB has received requests to extend the protest period and has incrementally extended the period until September 1, 1999, in order to allow the parties time to negotiate issues concerning the proposed transfer. The SWRCB recently received the enclosed request for a further extension of time to allow the parties time to complete their negotiations.

In order to approve a proposed transfer of water under California Water Code section 1735 et seq., the SWRCB must find that the proposed change will not result in substantial injury to any legal user of water, and that the proposed change will not unreasonably affect fish, wildlife, or other instream beneficial uses. An agreement among parties claiming water rights to the water that may be affected by the proposed water transfer would simplify and probably expedite the SWRCB's consideration of issues raised by IID's pending petition. **Therefore, the time for submitting comments or protests to the IID transfer petition is extended until September 21, 1999.** The draft environmental document on the proposed water transfer is expected to be available no sooner than next year. Therefore, the time extension described in this notice should not delay the SWRCB's action on the pending petition.

If you have any questions concerning this notice, please contact me at (916) 657-1359.

  
for HARRY M. SCHUELLER, Chief  
Division of Water Rights

Dated: August 27, 1999

## Memorandum

Date : AUG 25 1999

To : Harry M. Schueller, Chief  
Division of Water Rights  
State Water Resources Control Board  
901 P Street  
Sacramento, California 95814


From : Department of Water Resources

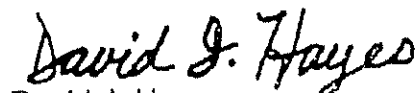
Subject : Request for Further Extension of Time - Proposed Long-Term Transfer  
by Imperial Irrigation District

As you are aware, the parties to the negotiations regarding the petition of the Imperial Irrigation District to transfer water and to change its place and purpose of use under Permit 7643 (Application 7482) are very close to successfully resolving all outstanding issues and arriving at a mutually satisfactory settlement agreement.

In furtherance of this process, the California Department of Water Resources and the United States Department of Interior hereby seek a final extension of time for submittal of protests of Application 7482 to September 21, 1999, with the understanding that there would be no further requests for extensions of time beyond that date. All parties to the negotiations have agreed to such an extension.

Thank you for considering this request. If you have any questions, or need additional information, please call Tom Hannigan at (916) 658-7007.

  
Thomas M. Hannigan  
Director  
Department of Water Resources

  
David J. Hayes  
Acting Deputy Secretary  
U. S. Department of Interior

11-60





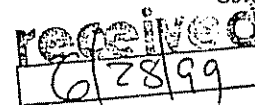
# State Water Resources Control Board



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Water Rights**  
901 P Street • Sacramento, California 95814 • (916) 657-0765  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

**Gray Davis**  
Governor



TO INTERESTED PARTIES:

**NOTICE OF EXTENSION OF TIME FOR SUBMITTAL OF COMMENTS AND  
PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER  
TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF  
WATER DIVERTED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643  
(APPLICATION 7482)**

Enclosed is a copy of the notice granting an extension of time for filing comments or protests with the State Water Resources Control Board (SWRCB) regarding the petition for the proposed long-term water transfer from Imperial Irrigation District to the San Diego County Water Authority. A draft environmental document on the proposed water transfer is not expected to be available until year 2000. Therefore, the time extension described in the enclosed notice should not result in delay of the SWRCB's action on the pending petition. The SWRCB encourages the water right claimants involved in the negotiations under the sponsorship of the Secretary of Interior to pursue a mutually acceptable resolution of their concerns.

If you have any questions concerning this notice, please contact me at the address and phone number above.

**HARRY M. SCHUELLER**, Chief  
Division of Water Rights

Dated: June 25, 1999



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-0765  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
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Gray Davis  
Governor

TO INTERESTED PARTIES:

**NOTICE OF EXTENSION OF TIME FOR SUBMITTAL OF COMMENTS AND  
PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER  
TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF  
WATER DIVERTED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643  
(APPLICATION 7482)**

On October 15, 1998, the State Water Resources Control Board (SWRCB) issued a notice of the petition described above. As described in the October 15th notice, the proposed water transfer would involve up to 200,000 acre-feet of water per year from the Imperial Irrigation District (IID) to areas within the San Diego County Water Authority (SDCWA) Service Area. The October 15th notice provided that parties who wished to submit comments, recommendations, or protests to the SWRCB concerning the proposed transfer must do so by December 15, 1998.

The Board has received requests to extend the protest period and has incrementally extended the period until July 1, 1999. The purpose of these extensions has been to allow the parties time to mutually negotiate issues concerning the proposed transfer. It was noticed that further extensions would be predicated upon satisfactory progress with those negotiations. While the parties have not met their original target date of mid-June, negotiations seem to be productively proceeding.

In order to approve a proposed transfer of water under California Water Code section 1735 et seq., the SWRCB must find that the proposed change will not result in substantial injury to any legal user of water, and that the proposed change will not unreasonably affect fish, wildlife, or other instream beneficial uses. An agreement among parties claiming water rights to the water that may be affected by the proposed water transfer would simplify and probably expedite the SWRCB's consideration of issues raised by IID's pending petition. **Therefore, the time for submitting comments or protests to the IID transfer petition is extended until September 1, 1999.**

If you have any questions concerning this notice, please contact me at (916) 657-1359

HARRY M. SCHUELLER, Chief  
Division of Water Rights

Dated: June 25, 1999

11-601



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

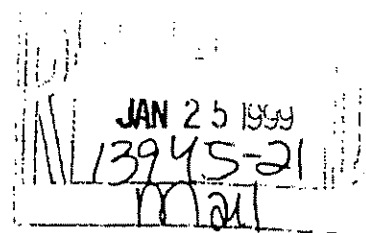
## Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-1359  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Internet Address: <http://www.swrcb.ca.gov>



Gray Davis  
Governor

JANUARY 21 1999



### INTERESTED PARTIES

### NOTICE OF EXTENSION OF ADDITIONAL TIME FOR SUBMITTAL OF COMMENTS AND PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF WATER DIVERTED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643 (APPLICATION 7482)

Enclosed is a copy of the notice granting an extension of additional time for filing comments or protests with the State Water Resources Control Board (SWRCB) regarding the petition for the proposed long-term water transfer from Imperial Irrigation District to the San Diego County Water Authority. The time extension was granted at the request of counsel for Coachella Valley Water District for the reasons specified in the notice. A draft environmental document on the proposed water transfer is not expected to be available until year 2000. Therefore, the additional time extension described in the enclosed notice should not result in delay of the SWRCB's action on the pending petition. The SWRCB encourages the water right claimants involved in the negotiations under the sponsorship of the Secretary of Interior to pursue a mutually acceptable resolution of their concerns.

If you have any questions regarding the enclosed notice, please contact me at the address and phone number above.

Sincerely,

HARRY M. SCHUELLER, Chief  
Division of Water Rights

Enclosure

*California Environmental Protection Agency*

Recycled Paper





Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Water Rights

901 F Street • Sacramento, California 95814 • (916) 657-1359  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Internet Address: <http://www.swrcb.ca.gov>



Gray Davis  
Governor

JANUARY 21 1999

### NOTICE OF EXTENSION OF ADDITIONAL TIME FOR SUBMITTAL OF COMMENTS AND PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF WATER DIVERTED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643 (APPLICATION 7482)

On October 15, 1998, the State Water Resources Control Board (SWRCB) issued a notice of the petition described above. As described in the October 15th notice, the proposed water transfer would involve up to 200,000 acre-feet of water per year from the Imperial Irrigation District (IID) to areas within the San Diego County Water Authority (SDCWA) Service Area. The October 15th notice provided that parties who wished to submit comments, recommendations, or protests to the SWRCB concerning the proposed transfer must do so by December 15, 1998.

By letter dated December 8, 1998, counsel for Coachella Valley Water District (Coachella) advised the SWRCB that Coachella, IID, and others are engaged in ongoing negotiations in which a representative of the Secretary of the Interior is serving as mediator. The letter states that the negotiations are expected to culminate in a Memorandum of Understanding (MOU) by December 17, 1998, to be followed by a six-month process for finalization of agreements between principal parties by June 1999. In order to avoid disruption of the ongoing negotiations, Coachella requested that the SWRCB extend the period for filing protests to the proposed transfer by at least six months, or indefinitely. An extension of the protest period until February 1, 1999, was issued December 11, 1998.

On December 22, 1998, Coachella advised the SWRCB that the MOU had been prepared and signed by members of the negotiating team for each agency and was to be presented to the agency governing boards near the end of January 1999. Furthermore, Coachella requested a further extension of the protest period to coincide with the six-month period for finalization of the agreement between Coachella, IID, and Metropolitan Water District.

On December 29, 1998, IID requested the SWRCB to deny the December 22, 1998, request of Coachella asserting that the extension of protest filing would jeopardize the approval of the petition and agreement, will not facilitate the timely settlement, and will prejudice the IID and SDCWA. Nonetheless, we believe the present negotiations among the parties are proving productive and certainly will, in the end, prove to expedite the process.

In order to approve a proposed transfer of water under California Water Code section 1735 et seq., the SWRCB must find that the proposed change will not result in substantial injury to any legal user of water, and that the proposed change will not unreasonably affect fish, wildlife, or

*California Environmental Protection Agency*

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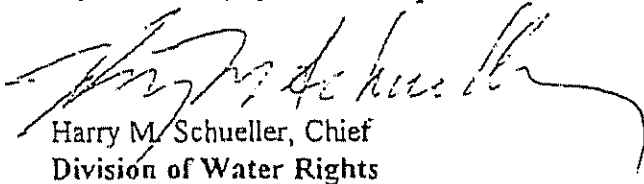
Notice of Extension

- 2 -

Dated: January 21, 1999

other instream beneficial uses. An agreement among parties claiming water rights to the water that may be affected by the proposed water transfer would simplify and probably expedite the SWRCB's consideration of issues raised by IID's pending petition. Therefore, the time for submitting comments or protests to the IID transfer petition is extended until April 1, 1999. During that period, staff of the SWRCB will contact the Department of the Interior regarding the status of the pending negotiations. Based on the information received, the SWRCB may grant further extensions of time for submittal of protests to the proposed water transfer if further extensions are warranted.


If you have any questions concerning this notice, please contact me at (916) 657-1359.



Harry M. Schueller, Chief  
Division of Water Rights

Dated: January 21, 1999

*California Environmental Protection Agency*

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11-62



Peter M. Rooney  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

John P. Caffrey, Chairman

## Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-1359 FAX (916) 657-1485  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
Internet Address: <http://www.swrcb.ca.gov>



Pete Wilson  
Governor

**DECEMBER 11 1998**

### TO INTERESTED PARTIES

### NOTICE OF EXTENSION OF TIME FOR SUBMITTAL OF COMMENTS AND PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF WATER DIVETED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643 (APPLICATION 7482)

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If you have any questions regarding the enclosed notice, please contact me at the address and phone number above.

Sincerely,

Harry M. Schueller, Chief  
Division of Water Rights

Enclosure





Peter M. Rooney  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

John P. Caffrey, Chairman



Pete Wilson  
Governor

Division of Water Rights  
201 F Street - Sacramento, California 95814 • (916) 657-1359 FAX (916) 657-1485  
Mailing Address: P O Box 2000 • Sacramento, California • 95812-2000  
Internet Address: <http://www.swrcb.ca.gov>

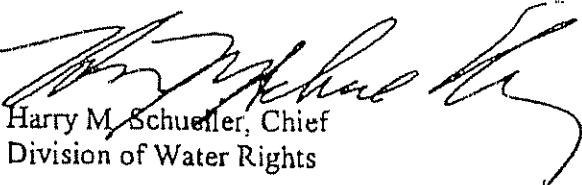
## NOTICE OF EXTENSION OF TIME FOR SUBMITTAL OF COMMENTS AND PROTESTS REGARDING PETITION FOR APPROVAL OF LONG-TERM WATER TRANSFER AGREEMENT AND CHANGES IN PLACE AND PURPOSE OF USE OF WATER DIVERTED BY IMPERIAL IRRIGATION DISTRICT UNDER PERMIT 7643 (APPLICATION 7482)

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In order to approve a proposed transfer of water under California Water Code section 1735 et seq., the SWRCB must find that the proposed change will not result in substantial injury to any legal user of water, and that the proposed change will not unreasonably affect fish, wildlife, or other instream beneficial uses. An agreement among parties claiming water rights to the water that may be affected by the proposed water transfer would simplify and probably expedite the SWRCB's consideration of issues raised by IID's pending petition. Therefore, the time for submitting comments or protests to the IID transfer petition is extended until February 1, 1999. During that period, staff of the SWRCB will contact the Department of the Interior regarding the status of the pending negotiations. Based on the information received, the SWRCB may grant further extensions of time for submittal of protests to the proposed water transfer if further extensions are warranted.

If you have any questions concerning this notice, please contact me at (916) 657-1359

  
Harry M. Schueller, Chief  
Division of Water Rights

Dated: December 11, 1998

11-63

Allen Matkins Leck Gamble & Mallory LLP

*attorneys at law*

Allen Matkins

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writer. David L. Osias t. 619 235 1526

file number. 14161-002/SD549323.01 e. dosias@allenmatkins.com

December 10, 2001

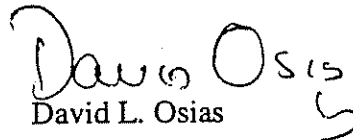
**VIA FEDEX**

Ms. Dana Differding  
SWRCB  
1001 I Street, 22nd Floor  
Sacramento, CA 95814

Dear Dana:

Enclosed is the Second Amendment to Petition with Exhibit A. Full color map(s)  
(Exhibit B) will be forwarded to you under separate cover.

Very truly yours,

  
David L. Osias

DLO:cas

Enclosure

cc: John Penn Carter, Esq.  
Jeffrey Kightlinger, Esq.  
Robert B. Maddow, Esq.  
Anne Schneider, Esq.  
Gerald D. Shoaf, Esq.  
Scott S. Slater, Esq.

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4677 Overland Avenue  
San Diego, CA 92123  
Telephone (858) 522-6600

*Attorneys for Petitioner  
San Diego County Water Authority*

STATE WATER RESOURCES CONTROL BOARD

STATE OF CALIFORNIA

IMPERIAL IRRIGATION  
DISTRICT and SAN DIEGO  
COUNTY WATER AUTHORITY,

Petitioners.

SECOND AMENDMENT TO PETITION  
FOR APPROVAL OF LONG-TERM  
CONSERVED WATER TRANSFER  
AGREEMENT AND CHANGE IN POINT  
OF DIVERSION AND PLACE OF USE

On July 22, 1998, the Imperial Irrigation District ("IID") and the San Diego County Water Authority ("Authority") jointly filed a "PETITION FOR APPROVAL OF LONG-TERM CONSERVED WATER TRANSFER AGREEMENT AND CHANGE IN POINT OF DIVERSION AND PLACE OF USE" ("Petition") with the State Water Resources Control Board ("SWRCB"), which stated "This Petition seeks approval of the conserved water transfer under the Agreement from the SWRCB pursuant to SWRCB Decision 1600; SWRCB Water Rights Order 88-20; Article X, § 2 of the California Constitution; and sections 100, 109, 1011, 1012, 1700 et seq. and 1735 et seq. of the California Water Code."

In October of 1998, the IID and the Authority amended the Petition so as to also seek approval of a change in purpose of use under the IID's Permit Number 7643 (Application Number 7482) by adding the use of "municipal" to the current allowed uses of "irrigation" and "domestic" ("First Amendment to Petition").

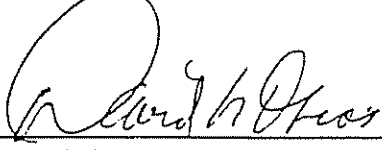
Now, the IID and the Authority hereby amend the Petition again ("Second Amendment to Petition") as follows. In the initial Petition it was noted that there was an additional discretionary potential transfer of conserved water from IID to the Authority, MWD, or CVWD of up to 100,000 acre-feet per year ("AFY") over and above the 200,000 AFY specified in the proposed agreement between IID and the Authority. This Second Amendment to Petition gives notice that pursuant to a proposed settlement between IID, Authority, MWD and CVWD, such extra 100,000 AFY will be conserved by IID and acquired by CVWD and/or MWD for use within their respective service areas. To the extent the conserved water is acquired by CVWD, the point of diversion will continue to be the Imperial Dam, and the purpose of use will remain unchanged. To the extent the conserved water is acquired by MWD, the point of diversion will be at Lake

Havasu, and the purpose of use will be primarily municipal. All items in the Petition and First Amendment to Petition are incorporated herein by this reference.

Attached hereto as Exhibit "A," and incorporated herein by this reference, is the Second Amendment to Petition for Change Form included in the initial Petition at p. 31, with changes made as appropriate for the matters stated herein. Except as set forth herein and in the First Amendment to Petition, the Petition remains the same.

DATE: 12/10/01

IMPERIAL IRRIGATION DISTRICT

By   
David L. Osias, Attorneys for the Imperial  
Irrigation District

DATE: 12/10/01

SAN DIEGO COUNTY WATER  
AUTHORITY

By \_\_\_\_\_  
Scott S. Slater, Attorneys for the San Diego  
County Water Authority

lavasu, and the purpose of use will be primarily municipal. All items in the Petition and First Amendment to Petition are incorporated herein by this reference.

Attached hereto as Exhibit "A," and incorporated herein by this reference, is the Second Amendment to Petition for Change Form included in the initial Petition at p. 31, with changes made as appropriate for the matters stated herein. Except as set forth herein and in the First Amendment to Petition, the Petition remains the same.

DATE: 12/10/01

IMPERIAL IRRIGATION DISTRICT

By \_\_\_\_\_  
David L. Osias, Attorneys for the Imperial  
Irrigation District

DATE: 12/10/01

SAN DIEGO COUNTY WATER  
AUTHORITY

By  \_\_\_\_\_  
Scott S. Slater, Attorneys for the San Diego  
County Water Authority

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. BOX 2000, Sacramento, CA 95812-2000**  
Info: (916) 341-5300. FAX: (916) 341-5400. Web: <http://www.waterrights.ca.gov>

**SECOND AMENDMENT TO PETITION FOR CHANGE**  
**(WATER CODE 1700)**

X Point of Diversion, \_\_\_\_\_ Point of Rediversion, X Place of Use, X Purpose of Use  
Application 7482 Permit 7643 License \_\_\_\_\_ Statement or Other \_\_\_\_\_

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present S.8° 50' E. 2495' from N.W. Corner of Section 9 (Imperial Dam)

Proposed T3N, R18W between NW 1/4 of Sec. 28 and NE 1/4 of Sec. 29 (Whitsett Intake, Lake Havasu)

**Place of Use** (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present Imperial Irrigation District

Proposed Pursuant to Water Code secs. 1011 and 1012, the transfer of conserved water to the Authority and reduced usage by the IID is deemed to be a reasonable beneficial use of water by the IID. Up to 200,000 acre-feet per year of conserved water will be used by the Authority in its service area, and up to 100,000 acre-feet per year of conserved water may also be acquired and used by CVWD and/or MWD in their service areas. See attached maps regarding CVWD and MWD service areas (the latter will be Improvement District #1 only).

**Purpose of Use**

Present Irrigation and domestic

Proposed Irrigation, domestic, and municipal

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? No

(yes/no)

- **GIVE REASON FOR PROPOSED CHANGE:** Transfer of conserved water to Authority and acquisition of conserved water by CVWD and/or MWD. Authority pays for conservation efforts for conserved water transferred to it. CVWD and MWD pay for conserved water acquired by each. Authority needs independent, reliable, alternate long-term supply for drought protection and to accommodate anticipated growth in domestic, municipal, and agricultural uses in San Diego. CVWD and/or MWD require additional water to firm up reliability and supply for existing users.
- **WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED?** No  
(yes/no)
- **WATER WILL BE USED FOR** Domestic, municipal, and agricultural **PURPOSES.**

We will acquire access to the proposed point of diversion by virtue of written agreement or administrative, judicial, or legislative process.  
(ownership, lease verbal or written agreement)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? no  
(yes/no)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

Access for transfer of conserved water to the Authority will be obtained from the MWD

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

See IID Appendix, Tab 23.

**THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.**

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated \_\_\_\_\_, 2001, at \_\_\_\_\_ San Diego, \_\_\_\_\_, California.

Signature(s)

Telephone No

**NOTE: A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.**



11-64

# Allen Matkins

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*attorneys at law*

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writer. David L. Osias t. 619 235 1526  
file number. 14161-002/S0549323 01 e. dosias@allenmatkins.com

December 11, 2001

**VIA FEDEX**

Ms. Dana Differding  
SWRCB  
1001 I Street, 22nd Floor  
Sacramento, CA 95814

Dear Dana:

As promised, enclosed is the color map which is to be attached as Exhibit B to the Second Amendment to Petition.

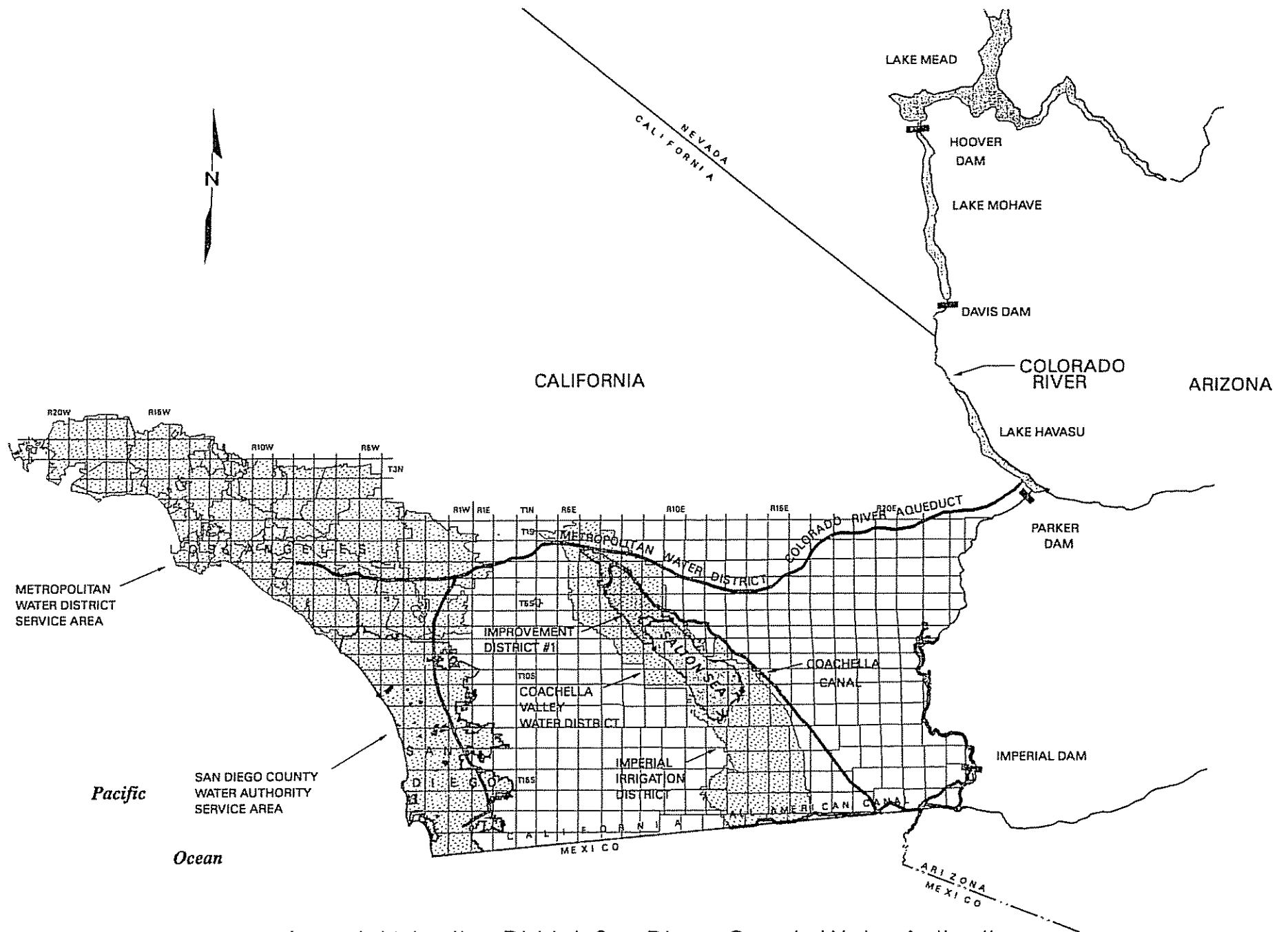
Very truly yours,



David L. Osias

DLO:cas  
Enclosure

cc: John Penn Carter, Esq. (w/enc.)  
Jeffrey Kightlinger, Esq. (w/enc.)  
Robert B. Maddow, Esq. (w/enc.)  
Anne Schneider, Esq. (w/enc.)  
Gerald D. Shoaf, Esq. (w/enc.)  
Scott S. Slater, Esq. (w/enc.)



Imperial Irrigation District, San Diego County Water Authority,  
Coachella Valley Water District and Metropolitan Water District

11-65

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San Diego County Water Authority*

## STATE WATER RESOURCES CONTROL BOARD

### STATE OF CALIFORNIA

IMPERIAL IRRIGATION  
DISTRICT and SAN DIEGO  
COUNTY WATER AUTHORITY,

Petitioners.

FIRST AMENDMENT TO PETITION  
FOR APPROVAL OF LONG-TERM  
CONSERVED WATER TRANSFER  
AGREEMENT AND CHANGE IN POINT  
OF DIVERSION AND PLACE OF USE

On July 22, 1998, the Imperial Irrigation District ("IID") and the San Diego County Water Authority ("Authority") filed a "PETITION FOR APPROVAL OF LONG-TERM CONSERVED WATER TRANSFER AGREEMENT AND CHANGE IN POINT OF DIVERSION AND PLACE OF USE" with the State Water Resources Control Board ("Petition").

In addition to the approval of changes in diversion point and place of use sought in the Petition, the IID and the Authority hereby amend the Petition so as to also seek approval of a change in purpose of use under the IID's Permit Number 7643 (Application Number 7482) by adding the use of "municipal" to the current allowed uses of "irrigation" and "domestic." Attached hereto as Exhibit "A," and incorporated herein by this reference, is the Petition for Change Form included in the Petition at p.31, with the "Purpose of Use" box checked and specifics provided. Additionally, the IID and the Authority hereby amend the Petition to make its title now read: "PETITION FOR APPROVAL OF LONG-TERM CONSERVED WATER TRANSFER AGREEMENT AND CHANGES IN POINT OF DIVERSION, PLACE OF USE AND PURPOSE OF USE." Except as set forth herein, the Petition remains the same.

DATE: 10/3/98

IMPERIAL IRRIGATION DISTRICT

By

David L. Osias and Mark J. Hattam  
Attorneys

DATE: 10/8/98

SAN DIEGO COUNTY WATER  
AUTHORITY

By

Scott S. Slater and Robert J. Saperstein  
Attorneys

Exhibit A



PETITION FOR CHANGE  
(WATER CODE 1700)

☒ Point of Diversion    ☐ Point of Rediversion    ☐ Place of Use    ☒ Purpose of Use

Application 7482    Permit 7643    License \_\_\_\_\_    Statement or Other \_\_\_\_\_

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40 - acre subdivision in which the present & proposed points lie.)

Present S.8° 50' E. 2495' from N.W. Corner of Section 9 (Imperial Dam)  
T3N, R18W between NW 1/4 of Sec. 28  
Proposed and NE 1/4 of Sec. 29 (Whitsett Intake, Lake Havasu)

**Place of Use** (If irrigation, then state number of acres to be irrigated within each 40 - acre tract.)

Present Imperial Irrigation District  
Pursuant to Water Code secs. 1011 and 1012, the transfer of conserved water to  
Proposed the Authority and reduced usage by the IID is deemed to be a reasonable  
beneficial use of water by the IID. The conserved water will be used by the

**Purpose of Use** Authority in its service area.

Present Irrigation and domestic  
Proposed Irrigation, domestic, and municipal

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? no

(yes/no) Transfer conserved water to Authority. Payment by Authority

• GIVE REASON FOR PROPOSED CHANGE: pays for conservation efforts. Authority needs independent,  
reliable, alternate long term supply for drought protection and to accommodate anticipated  
growth in domestic, municipal and agricultural uses in San Diego.

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? no

(yes/no)

• WATER WILL BE USED FOR Domestic, municipal and agricultural PURPOSES.  
will acquire

I (we) have access to the proposed point of diversion or place of use by virtue of written agreement or  
administrative, judicial or legislative process. (ownership, lease verbal or written agreement)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained.  
Access will be obtained from the Metropolitan Water District of Southern California.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

See IID Appendix, Tab 23

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: July 21, 19 98 at San Diego, California

(619) 233-1155

J. Hatten, Signature(s)

Telephone No.

NOTE: A \$100 filing fee made payable to the State Water Resources Control Board (SWRCB) and a \$850 fee made payable to the Department of Fish and Game (DFG) must accompany a petition for change. Upon filing this petition with the SWRCB, Water Code Section 1703 requires you to also notify the DFG in writing of your proposed change. A copy sent to the DFG will normally fulfill this requirement.



## PROOF OF SERVICE

I am employed in the county of San Diego, state of California. I am over the age of 18 and not a party to the within action. My business address is 501 West Broadway, Suite 900, San Diego, CA 92101.

On October 8, 1998, I served the foregoing document. "FIRST AMENDMENT TO PETITION FOR APPROVAL OF LONG-TERM CONSERVED WATER TRANSFER AGREEMENT AND CHANGE IN POINT OF DIVERSION AND PLACE OF USE" by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows.

Cal Dept of Fish and Game  
Environmental Services Division  
330 Golden Shore, Suite 50  
Long Beach, CA 90802  
Attn: Ronald D Rempel, Regional Manager

X By Federal Express or other overnight delivery service for delivery on the next business day.

I declare under penalty of perjury that the above is true and correct.

Executed on October 8, 1998, at San Diego, California.

15/  
CYNTHIA SANDOVAL.

100-443887-100